



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** October 1, 2008  
**AGENDA DATE:** October 8, 2008  
**PROJECT ADDRESS:** 1560 La Vista Del Oceano (MST2008-00335)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Renee Brooke, AICP, Zoning & Enforcement Supervisor *RB*  
 Roxanne Milazzo, Associate Planner *RM*

### I. PROJECT DESCRIPTION

The 14,875 square foot project site is currently developed with a single family residence and garage. The proposed project involves the construction of a retaining wall and guard rail at the rear of the property. The discretionary application required for this project is a Modification to permit the combined height of the wall and guardrail to exceed the maximum allowable height of eight-feet at the Southeast corner of the property (SBMC §28.87.170).

Date Application Accepted: September 2, 2008      Date Action Required: December 2, 2008

### II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project as submitted.

### III. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant: John Buczek	Property Owner: Same
Parcel Number: 035-170-013	Lot Area: 14,875 sf
General Plan: 5 Units Per Acre	Zoning: E-1
Existing Use: One Family Residence	Topography: 25% Slope
Adjacent Land Uses:	
North - One Family Residence	East - Vacant
South - One Family Residence	West - One Family Residence

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	2,060 sf	N/A
Garage	528 sf	N/A
Accessory Space	N/A	N/A

**C. EXISTING LOT AREA COVERAGE**

Building: 2,201 sf 15%      Hardscape: 3,143 sf 21%      Landscape: 9,531 sf 64%

**IV. DISCUSSION**

This project required review by the Single Family Design Board (SFDB) pursuant to SBMC §22.69.020.G.1, which requires review of retaining walls when located on lots with an average slope of 15% or greater. The Board had no concerns with the project but asked that the stucco finish on the wall either match the house or be a darker color.

The existing development on site was constructed in 1978 on a cut-and-fill lot. The cut portion of the lot, on which the house was built, is stable. However, the fill part of the lot has had some slippage along a 150 foot portion of the southern property line. The proposed project involves construction of a retaining wall along the south and east property lines to secure the failing slope. The wall, which will be constructed at heights between one to eight feet, will include a guard rail for safety purposes. At the southeast corner, the combined height of the retaining wall and guardrail will total 12', which exceeds the maximum allowable height of 8'. Staff has been able to support these types of request when the Modification is necessary for safety purposes.

**V. FINDINGS AND CONDITIONS**

The Staff Hearing Officer finds that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed wall height Modification will provide both stabilization for the failing slope and a safety barrier between the grade differences.

**Exhibits:**

- A. Site Plan (under separate cover)
- B. Applicant's letter dated August 27, 2008
- C. SFDB Minutes

Contact/Case Planner: Roxanne Milazzo, Associate Planner  
(rmilazzo@SantaBarbaraCA.gov)  
630 Garden Street, Santa Barbara, CA 93101 - Phone: (805) 564-5470

Applicant: Buczek, John S. and Gloria J.  
Project Address: 1560 La Vista del Oceano, Santa Barbara, CA 93109-1739  
Telephone: (805)065-4092

August 27, 2008

Staff Hearing Officer  
City of Santa Barbara  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

Re: Modification Request for 1560 La Vista del Oceano, Santa Barbara, CA 93109;  
Assessor's Parcel Number: 035-170-013; Land Use Zone: E-1

Dear Staff Hearing Officer:

**BACKGROUND:** Situated on a Mesa hillside lot north of Cliff Drive and abutting the northwest corner of the SHIFCO Housing Development, this single family home was built in 1978 on a cut-and-fill lot. The cut portion of the lot, on which the house was built, is stable. However, the fill part of the lot has had some slippage along the 150 foot property line facing the ocean. Even though the slippage has been very minor and has gone unnoticed along most of this property line, a recent survey of the lot has shown that the original wooden fence built along with the house in '78 has shifted slightly over the years. Most of the fence now is either right on the property line or encroaching a few inches onto our neighbor's property below. The extent of the slippage is pronounced at the southeast corner of our back yard. At about 12 feet from the corner the land begins to drop off sharply, so that at the corner the land is now about 7 or 8 feet below grade.

**PROJECT DESCRIPTION:** This proposed project consists of building a retaining wall along our property line to the south and along part of the property line to the east, where the corner of our back yard meets the northwest corner of the SHIFCO property below. The existing wooden fence would be replaced with a 42 inch high wrought iron fence secured to the top of the retaining wall. The height of the wall will be about 1 to 2 feet along most of the 150 foot property line to the south; at about 12 feet from the back yard corner, where the erosion has been severe, the height of the retaining wall will begin to increase until it will be about 7 or 8 feet tall at the corner. The height of the wall correspondingly will be reduced along our property line to the east; at about 12 feet from the corner, the top of the wall will be at or near the existing grade level. A subterranean drain system will direct excess back yard surface water to an existing storm drain near the southwest corner of our property.

**MODIFICATION REQUESTED:** At the southeast corner, the combined height of the retaining wall and the fence would exceed the 8 feet maximum height allowed. We are requesting a variance to extend the fence about 10 feet to the corner of our yard where the land drops off sharply.

**PROJECT JUSTIFICATION:** A retaining wall is needed to stabilize our land along the southern boundary line and especially at the southeast corner of our lot. The soil erosion at this corner has been severe, and the land there would be vulnerable to further erosion in a winter season with heavy rainfall.

**PROJECT BENEFITS:** The immediate benefit would be the stabilization of the soil on the cut portion of our lot. The retaining wall and fence would not encroach upon our neighbor's property, as our current fence does. The variance allowing the fence to be extended to the corner of our property would make our yard a safe play area for our grandchildren, who range in ages from one week to five years old.

Sincerely,

A handwritten signature in black ink, reading "John S. Buczek". The signature is written in a cursive style with a long horizontal line extending to the right.

John S. Buczek

1560 LA VISTA DEL OCEANO – SFDB COMMENTS

July 28, 2008

Continued indefinitely with the following comments: 1) stucco finish on wall to either match house or be a darker color, 2) applicant to work out safety issues of providing a railing, may require a modification for height over 8 feet, 3) if a railing is part of the solution, provide an elevation drawing.

